IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.27091 of 1999

Dated: 05-06-2007

Between:

1. Sammala Venkata Siva Reddy,
   s/o Chinnapa Reddy,
   r/o Kastamreddipalli,
   h/o Daburuvaripalli,
   O.D.Cheruvu Mandal,
   Anantapur District and 2
others.

... Petitioners

and

1. The Mandal Revenue Officer,
   O.D. Cheruvu Mandal,
   Anantapur District and another.

... Respondents

ORDER:

Petitioners state that they are the absolute owners of the lands in Sy.Nos.187 and 188-1 of Davuruvaripalli and they filed the present writ petition questioning the proceedings of first respondent – Mandal Revenue Officer, O.D. Cheruvu Mandal, Anantapur District dated 16-11-1998, whereby first respondent on the basis of a representation

given by the public of Narayanavaripalli village, proposed to lay a road under the Janmabhoomi programme.

2. This Court on 31-12-1999 while issuing *Rule nisi,* in W.P.M.P.No.34225 of 1999 granted interim suspension of the order of first respondent dated 16-11-1998 passed in Rc.No.852/98, pending disposal of the writ petition.

3. Having heard learned counsel for the petitioners, learned Government Pleader for Revenue for first respondent and learned counsel for un-official respondent, this Court is of the view that the said permission granted by first respondent can be said to be against law. It is settled proposition of law that whenever the authorities seek to take the properties of private individual for the purpose of laying a road, the same can be done only in accordance with law i.e. after initiating the land acquisition proceedings or some other proceedings, which are in vogue. In the case on hand, evidently, first respondent – Mandal Revenue Officer without recourse to any established procedure had straightaway observed in the impugned proceedings that the approach road can be laid from the village to the road leading from Kondakamarla to Gownapuram with a width of 20 Links as per the SB Act. In the light of the above, this Court is of the view that the impugned proceedings are wholly unsustainable under law.

4. Accordingly, the writ petition is allowed and the proceedings dated 16-11-1998 issued by first respondent are hereby set aside.

However it is made clear that if really there is a need for public pathway, it is always open to the authorities to take appropriate steps only after following due process of law.

JUSTICE GOPALAKRISHNA TAMADA

Dt.05-06-2007
GLV